

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

LYNN D. SCHENCK

vs.

CASE NUMBER: 5:06-CV-1138 (FJS/VEB)

COMMISSIONER OF SOCIAL SECURITY

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendations of Magistrate Judge Victor E. Bianchini are hereby approved, the Defendant's Motion for Judgment on the Pleadings is denied, further ordered that Plaintiff's Cross Motion for Judgment on the Pleadings is denied in part and granted in part and the Complaint is Remanded for Reconsideration.

All of the above pursuant to the order of the Honorable Judge Frederick J. Scullin, Jr., dated the 10th day of March, 2009.

DATED: March 16, 2009


Clerk of Court

s/

Joanne Bleskoski
Deputy Clerk